IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.MC.No. 2015 of 2006(B)

CC.213/2005 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER: 2ND ACCUSED:

ABDUR RAUF KHAN, S/O. FAKIR MUHAMMED,
28/IA, SIR SYED AHAMMED ROAD,
KOLKOTTA-16.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE DETECTIVE INSPECTOR,
CB CID, SIG-1, MUTTADA,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C. NO. 2015 of 2006

Dated 7th day of December, 2006

ORDER

The petitioner who is the 2nd accused in C.C.No.213/2005 in the file of the Chief Judicial Magistrate, Thiruvananthapuram with respect to the offences under sections 419, 465, 468, 471 read with 34 IPC and section 3 read with section 12(1(a) (b) and (d) of the Indian Passport Act, has sought for setting aside the proceedings pending against him alleging that there is absolutely no incriminating evidence against him in the matter. The prosecution allegation is that on 19-4-2003 the Ist accused (who is right now absconding), a lady by name Nazeen Banoo Salim Pistawalla arrived at the international airport at Thiruvananthapuram for her journey to Newyork in Qatar Airways and that she was found along with the petitioner who is the A2 and that it was found that she was attempting to travel with a forged passport and visa and that the A2/petitioner was the person who arranged the travel of the Ist accused and who was found along with the Ist accused. According to the petitioner, he is a total stranger to the Ist accused and that he

just helped the Ist accused lady to fill up the embarkation card.

2. Case diary was produced as directed by this Court.

3. The counsel were heard.

4. On a perusal of the C.D, I find that no evidence could be gathered with respect to the involvement of the petitioner in the matter with respect to the fabrication of passport and visa by the Ist accused. It is seen that after the Ist accused was granted bail, she could not be traced out. The travel agent who arranged the passport and visa for the Ist accused also could not be found out. So far as the involvement of the 2nd accused/petitioner, nothing is seen in the C.D.file.

In the circumstances, I find that no purpose will be served by proceeding with the case with respect to the 2nd accused/petitioner. In the circumstances, the proceedings pending in C.C.213/2005 against the 2nd accused/petitioner is herewith quashed.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,JUDGE.

Kvm/-

kvm/-